

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Coyote Creek Mining Company, L.L.C.**  
**Revision 12, Permit NACC-1302**  
**Application**

**Case No. RC-22-233**

**REVISION OF PERMIT TO ENGAGE IN**  
**SURFACE COAL MINING AND RECLAMATION OPERATIONS**

**April 10, 2024**

Based on the application for **Revision Number 12 to Permit Number NACC-1302 received March 17, 2022**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application received on March 17, 2022, is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code.
2. The Commission received a request for an Informal Conference on this application from Casey and Julie Voigt with concerns about dust, projected topsoil and subsoil respread depths, reclamation variances, and the timing of revegetation. The informal conference was held on October 12, 2022. The Hearing Officer issued the Informal Conference Findings and Recommended Order stating that Coyote Creek Mining Company, L.L.C. shall provide a final native grassland seeding timeline for delayed native grassland seedings to initiate the 10-year revegetation period, describe how these variance areas will be managed prior to seeding to initiate the 10-year revegetation period, and provide a map depicting variance from the 3-year seeding rule (N.D.C.C. 38-14.1-24(14)) for Commission review prior to Revision No. 12 approval. This information was provided within the Revision No. 12 application and deemed satisfactory by the Commission.
3. The performance bond in the amount of \$25,219,975 is sufficient for the proposed mining and reclamation operations in the bond area of Permit NACC-1302.
4. The Commission's other findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

**Revision Number 12 to Permit Number NACC-1302 is hereby granted to The Coyote Creek Mining Company, L.L.C. The revision revises the post-mining topography in portions of Section 1, T142N, R89W, Sections 6 and 7, T142N, R88W; revises the reclamation schedule and variance map; revises the operation and reclamation plans; adds design plans for three sedimentation ponds; and updates**

**the worst-case bond cost estimate of the permit as described in the revision application received March 17, 2022.**

The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

**PUBLIC SERVICE COMMISSION**

  
**Sheri Haugen-Hoffart**  
**Commissioner**

  
**Randy Christmann**  
**Chair**

  
**Julie Fedorchak**  
**Commissioner**

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